

# AMERICAN ASSOCIATION OF LAW LIBRARIES



## WASHINGTON AFFAIRS REPRESENTATIVE

**Robert L. Oakley**

*Director of the Law Library & Professor of Law  
Georgetown University Law Center*

April 7, 1997

Peter N. Fowler  
Attorney-Advisor  
Office of Legislative and International Affairs  
United States Patent and Trademark Office  
Box 4  
Washington, D.C. 20231

SUBJECT: Proposed Guidelines (Revised)

Dear Peter:

The American Association of Law Libraries (AALL) has received the December 1996 Interim Report to the Commissioner of the Conference on Fair Use. As was suggested in the cover letter, copies of that report were circulated within the Association for a review and possible endorsement of the educational fair use guidelines therein.

After careful review by our Copyright Committee, the American Association of Law Libraries (AALL) finds that it can support and therefore does endorse the Distance Learning Guidelines proposed by the Conference on Fair Use (CONFU). AALL does not endorse, however, the guidelines for Digital Images or Multimedia. We believe those guidelines are too restrictive for teachers, students, and others who use libraries and educational institutions.

The American Association of Law Libraries is a nonprofit educational organization with nearly 5,000 members nationwide. Our members respond to the legal and governmental information needs of legislators, judges, and other public officials at all levels of government, law professors and students, attorneys, corporations, and members of the general public.

Earlier this year the American Library Association concluded that it was "premature to formalize guidelines for the fair use of copyrighted materials in a digital information environment." AALL shares ALA's concern. Nonetheless, many libraries and educational institutions continue to seek guidance on the use of copyrighted works. It is for that reason that we endorse the Distance Learning Guidelines.

## **Distance Learning Guidelines**

AALL believes that the Distance Learning Guidelines take some positive steps to providing workable guidelines for librarians and educators. These Guidelines, for the most part, strike a fair balance between the needs of librarians and educators, and those of copyright holders. We do believe, however, that the Distance Learning Guidelines should actually go further to permit asynchronous delivery of distance education via computer networks, and that such use be added to these Guidelines in the future.

AALL does want to emphasize that we interpret the Distance Learning Guidelines as providing a "safe harbor" for the use of copyrighted works in distance education. Uses beyond those described in these Guidelines may, indeed, be non-infringing.

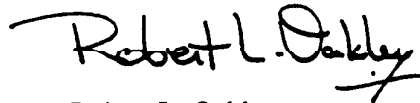
## **Digital Image and Multimedia Guidelines**

AALL has concluded that the Multimedia Guidelines and the Digital Image Guidelines do not reflect a fair balance of rights between creators and users of intellectual property. Announcing that it would not endorse any of the CONFU Guidelines, the American Library Association stated that fair use "must be fully protected and encouraged to evolve in the digital information environment." AALL believes that the Multimedia and Digital Image guidelines do not adequately ensure fair use, and, therefore, we will not endorse them.

Sincerely,



James S. Heller, Chair  
AALL Copyright Committee



Robert L. Oakley  
AALL Washington Representative

cc:

Laura N. Gasaway  
University of North Carolina Law Library  
CB #3385  
Chapel Hill, NC 27599-3385

Cameron Kitchen  
American Association of Museums  
1575 I Street, N.W.  
Suite 400  
Washington, D.C. 20005

Lisa Livingston  
Instructional Media Division  
CUNY - City College  
138th St. and Convent Ave.  
Room NAC 5/220  
New York, NY 10031